

ESTTA Tracking number: **ESTTA239392**

Filing date: **09/29/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|------------------------|--|
| Proceeding | 92049807 |
| Party | Plaintiff Nautica Apparel, Inc. |
| Correspondence Address | Stephen L. Baker Baker and Rannells, PA 575 Route 28, Suite 102 Raritan, NJ 08869 UNITED STATES s.baker@br-tmlaw.com,n.friedman@br-tmlaw.com,d.comunale@br-tmlaw.com, K.Hnasko@br-tmlaw.com,officeactions@br-tmlaw.com |
| Submission | Motion for Default Judgment |
| Filer's Name | Neil B. Friedman |
| Filer's e-mail | s.baker@br-tmlaw.com,n.friedman@br-tmlaw.com,d.comunale@br-tmlaw.com, K.Hnasko@br-tmlaw.com,officeactions@br-tmlaw.com |
| Signature | /Neil B. Friedman/ |
| Date | 09/29/2008 |
| Attachments | Motion for Default.pdf (2 pages)(9892 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 3468343

Registered: July 15, 2008

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NAUTICA APPAREL, INC.

Cancellation No.: 92049807

Petitioner,

v.

FRANK DILBAKOWSKI,

Mark: NAUTICFISH

Reg. No.: 3468343

Filed: August 13, 2007

Issued: July 15, 2008

Registrant.

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REQUEST FOR ENTRY OF DEFAULT

On August 6, 2008, Petitioner Nautica Apparel, Inc. and the Board served Registrant Frank Dilbakowski with the Petition for Cancellation and allowed the respondent 40 days or until September 23, 2008 to file an Answer. We have no record of the Registrant having served Petitioner with his Answer and a search of the TTAB website similarly reveals that no Answer has been filed. As a result, Petitioner respectfully requests that a default be entered.

BAKER and RANNELLS, PA

Dated: September 29, 2008

/s/Neil B. Friedman

Stephen L. Baker

Neil B. Friedman

Attorney for Petitioner

575 Route 28, Suite 102

Raritan, New Jersey 08869

Tel. 908-722-5640

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Petitioner's Petition to Cancel in re NAUTICA APPAREL, INC. v. FRANK DILBAKOWSKI, was forwarded by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 29th day of September, 2008 to Registrant and its domestic representative at the following addresses:

Frank Dilbakowski
Königsbergerstr. 15
31737 Rinteln
Fed Rep Germany

And

John Alumit
Patel & Alumit, PC
16830 Ventura Blvd., Suite 360
Encino, California 91436

/Neil B. Friedman/
Neil B. Friedman